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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,033	09/28/2000	Blair B.A. Birmingham	ATI-000090	7656
34456	7590	11/23/2004	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			PATEL, HARESH N	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,033

Applicant(s)

BIRMINGHAM, BLAIR B.A.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-46 are presented for examination.

Response to Arguments

2. Applicant's arguments, see pages 9-12, filed 9/7/2004, with respect to the rejection(s) of claim(s) 1-40 under Kuragaki, 6,381,524 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn.

As per applicant's arguments, Kuragaki, reference is not considered valid. Hence, the examiner's suggestion of the claims to overcome the cited art, Kuragaki, does not stand any significance. Considering the applicant's arguments and request, rejection based on Kuragaki reference, has been withdrawn.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action, dated 6/28/2004, is withdrawn.

However, upon further consideration and search, a new ground(s) of rejection is made in view of Endo et al. 6,615,303. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 28, 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by

Endo et al. 6,615,303 (Hereinafter Endo).

5. As per claim 1, Endo very clearly teaches a method comprising:

providing a plurality of operating systems (e.g., figure 1) on a single information handling device (e.g., figure 1) having one or more appliances (e.g., col. 20, lines 31 – 36, col., 11, lines 57 – 67), the plurality of operating systems including an appliance operating system dedicated (e.g., col., 12, lines 1 – 28) to control the information handling device to operate a subset of the one or more appliances (e.g., col., 9, lines 46 – 67), and a general operating system to perform general information handling tasks (e.g., col., 9, lines 60 – 67);

executing the appliance operating system to control a subset of the one or more appliances (e.g., col. 20, lines 31 – 36, col., 11, lines 57 – 67), wherein the appliance operating system is independent of the general operating system (e.g., figure 1); and executing the general operating system to control the information handling device to perform general information handling tasks (e.g., col., 9, lines 60 – 67).

6. As per claim 2, Endo teaches the following:

switching between operating systems (e.g., figure 14).

7. As per claim 3, Endo teaches the following:

switching includes discontinuing the execution of one operating system prior to executing another operating system (e.g., col., 12, lines 10 – 28).

8. As per claims 4, 41, Endo teaches the following:

switching includes executing two or more of the plurality of operating systems / the appliance operating system and the general operating system, concurrently (e.g., col., 20, line 65).

9. As per claim 6, Endo teaches the following:

executing includes checking for resource conflicts (e.g., inherent functionality of an operating system (e.g., col., 12, lines 10 – 28).

10. As per claim 28, Endo teaches the following:

appliance including a DVD player (e.g., col. 20, lines 31 – 36).

11. As per claims 42, Endo teaches the following:

the appliance operating system is executed between a first time and a second time subsequent to the first time (e.g., col., 9, lines 46 – 67, figures 8-10); and the general operating system is executed between a third time subsequent to the first time and a fourth time subsequent to the second time and the third time (e.g., col., 10, lines 1-18, figures 8-10).

12. As per claims 43, Endo teaches the following:

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the general operating system is executed between a first time and a second time subsequent to the first time (e.g., col., 9, lines 46 – 67, figures 8-10); and the appliance operating system is executed between a third time subsequent to the first time and a fourth time subsequent to the second time and the third time (e.g., col., 10, lines 1-18, figures 8-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5, 7-27, 29-40, 44-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo in view of “Official Notice”.

14. As per claims 5, 40, Endo discloses the claimed limitations as rejected under claims 1 and 28. Endo also teaches the following:

reading the appliance operating system from a memory circuit (e.g., col., 5, line 64 – col., 6, line 10), and executing the general operating system includes reading the general operating system from a mass storage device (e.g., figure 2).

However, Endo does not specifically mention about using a non-volatile / read-only memory.

“Official Notice” is taken that both the concept and advantages of providing the use of non-volatile / read-only memory is well known and expected in the art.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of non-volatile / read-only memory with the teachings of Endo in order to facilitate an appliance operating system to be stored on a non-volatile / read-only memory. The well-known use of non-volatile / read-only memory would retain the appliance operating system even when the system is powered off. The system having the appliance operating system would get the benefit of well-known non-volatile / read-only memory for storing the appliance operating system.

15. As per claims 7 and 8, Endo discloses the claimed limitations as rejected under claim 1.

However, Endo does not specifically mention about the use of BIOS to provide initial processor control / control of which of plurality of operating systems is executed. "Official Notice" is taken that both the concept and advantages of providing the use of BIOS to provide initial processor control / control of which of plurality of operating systems is executed is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of BIOS to provide initial processor control / control of which of plurality of operating systems is executed with the teachings of Endo in order to facilitate initial processor control by using BIOS and to control which of plurality of operating systems is executed using BIOS. Well-known use of BIOS will help provide boot up selection of which operating system to be selected for execution upon system startup.

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16. As per claims 9 and 10, Endo discloses the claimed limitations as rejected under claims 7. However, Endo does not specifically mention about the details of the use of mass storage medium and read-only memory. "Official Notice" is taken that both the concept and advantages of providing the use of mass storage medium and read-only memory is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the use of mass storage medium and read-only memory with the teachings of Endo in order to facilitate multiple operating systems separate from each other. Well-known use of mass storage medium and read-only memory will help provide storage of the multiple operating systems, which can be selected by the system to be loaded and to be used for execution.

17. As per claims 11-27, Endo discloses the following:

one or more appliances to be coupled to said at least one communications interface (e.g., figure 3),

one or more appliances are to be coupled to said communications interface via a network (e.g., use of LAN, col., 4, lines 19 – 33),

one or more appliances are media handling systems (e.g., appliance using audio/video, image display, figure 2),

one or more media handling systems include at least one of an audio device and a visual device (e.g., appliance using audio/video, image display, figure 2),

communications interface is a wireless interface (e.g., col., 1, line 23 – col., 2, line 65),

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communications interface is an electrical interface (e.g., figure 3),
a resource conflict check is performed when said operating systems are executed (e.g.,
col., 1, line 23 – col., 2, line 65).

18. As per claims 29 and 30, Endo discloses the claimed limitations as rejected under claim
28. Endo also teaches the following:

the general operating system is stored on a hard drive (e.g., figure 2).

However, Endo does not specifically mention about using a different memory device,
other than a hard drive, for storing the appliance operating system for the DVD player.

“Official Notice” is taken that both the concept and advantages of providing and using a
different memory device, other than a hard drive, for storing the appliance operating system for
the DVD player is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention
was made to include the use of with the teachings of Endo in order to facilitate an appliance
operating system for the DVD player to be stored on a different memory device, other than a
hard drive. The well-known use of different memories like, non-volatile / read-only memory,
would retain the appliance operating system even when the system is powered off. The system
having the appliance operating system would get the benefit of well-known different memories
like, non-volatile / read-only memory for storing the appliance operating system for the DVD
player.

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19. As per claims 31-39, 44-46, Endo discloses the claimed limitations as rejected under claim 1. Endo also teaches the following:

the concept of supporting any appliance and any appliance operating system (e.g., col. 20, lines 31 – 36).

However, Endo does not specifically mention about the appliance including a television / stereo / home security system.

“Official Notice” is taken that both the concept and advantages of providing the use of the appliance including a television / stereo / home security system is well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appliance including a television / stereo / home security system with the teachings of Endo in order to facilitate the use of an appliance operating system that handle the television / stereo / home security system functionality. The well-known use of television / stereo / home security system appliance can be handled by using an appliance operating system. The system having the appliance operating system would get the benefit of well-known use of an appliance, television / stereo / home security system, supported by an appliance operating system.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (703) 605-5234. The

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examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Haresh Patel

October 24, 2004


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100